

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS AND LABOR

Call to Order:

Chairman Bill Wilson, on January 27, 2009 at 8:30 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Bill Wilson, Chairman (D)
Rep. Bill Beck, Vice Chairman (R)
Rep. Michele Reinhart, Vice Chairwoman (D)
Rep. Elsie Arntzen (R)
Rep. Shannon Augare (D)
Rep. Paul Beck (D)
Rep. Tom Berry (R)
Rep. Carlie Boland (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Chuck Hunter (D)
Rep. Harry Klock (R)
Rep. Mike Milburn (R)
Rep. Pat Noonan (D)
Rep. Scott Reichner (R)
Rep. Cary Smith (R)
Rep. Gordon Vance (R)
Rep. Jeffery Welborn (R)

Members Excused: None

Members Absent: None

Staff Present: Santella Baglivo, Committee Secretary
Bart Campbell, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 283, 1/22/2009; HB 291,
1/22/2009, HB 204; 1/23/2009

Executive Action: HB 195, HB 114, HB 148, HB 234

HEARING ON HB 204

Opening Statement by Sponsor:

00:01:10 Rep. Bob Ebinger (D), HD 62, opened the hearing on
HB 204, Revise work comp law re independent contractor
for 10-year period.

00:01:37 Rep. Furey enters.

Proponents' Testimony:

00:04:43 Chuck Defandorf, Independent Contractor, Livingston
00:05:46 Keith Goodhart, Sheep Rancher, Big Timber
00:06:47 Senator Esp, SD 31, Park and Sweetgrass County
00:07:59 Rich Baerg, Contractor, Livingston

Opponents' Testimony:

00:09:22 Kevin Braun, Claim Attorney, Montana State Fund
00:11:37 Jason Miller, International Brotherhood of Teamsters,
Local 190
00:14:58 Bob Worthington, Montana Self Insurers Association
00:16:10 Robert Johnson, Montana AFL-CIO
00:16:31 Reily Johnson, National Federation of Independent
Business

Informational Testimony:

00:18:34 Jerry Keck, Administrator, Employee Relations Division,
Department of Labor and Industry

[EXHIBIT](#) (buh19a01)

Questions from Committee Members and Responses:

00:29:09 Rep. Reinhart
00:29:28 Mr. Keck
00:33:28 Rep. B. Beck
00:34:12 Mr. Keck
00:34:16 Rep. B. Beck
00:35:09 Mr. Keck

00:36:26 Rep. B. Beck
00:36:45 Mr. Keck
00:37:13 Rep. Arntzen
00:37:42 Mr. Keck
00:38:00 Rep. Arntzen
00:38:18 Mr. Keck
00:39:00 Rep. Arntzen
00:39:13 Mr. Keck
00:39:30 Rep. Hunter
00:39:44 Mr. Keck
00:39:53 Rep. Hunter
00:40:08 Mr. Keck
00:40:13 Rep. Hunter
00:40:34 Mr. Keck
00:41:11 Rep. Milburn
00:41:32 Mr. Keck
00:41:48 Rep. Reinhart
00:42:13 Mr. Keck
00:42:30 Rep. Reinhart
00:42:40 Mr. Keck
00:42:47 Rep. Reinhart
00:43:02 Mr. Goodhart
00:43:44 Rep. Reinhart
00:43:50 Mr. Goodhart
00:43:53 Rep. Reinhart
00:44:03 Mr. Goodhart

Closing by Sponsor:

00:44:34 Rep. Ebinger

HEARING ON HB 283

Opening Statement by Sponsor:

00:47:48 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 283, Revise workers compensation act on exemptions, claims examiners, safety funding.

00:48:33 Rep. Augare enters.

Proponents' Testimony:

00:52:21 Bob Worthington, Co-Vice Chairman, Labor Management Advisory Council

EXHIBIT (buh19a02)

01:00:00 Jason Miller, Co-Vice Chairman, Labor Management Advisory Council

01:02:57 Don Judge, Montana Injured Workers Resource Council
01:07:53 Jerry Keck, Administrator, Employee Relations Division,
Department of Labor and Industry

EXHIBIT (buh19a03)

01:09:48 Nancy Butler, General Counsel, Montana State Fund

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:10:34 Rep. Reichner
01:11:27 Mr. Keck
01:12:51 Rep. Reichner
01:13:17 Mr. Keck

Closing by Sponsor:

01:14:22 Rep. Himmelberger

01:15:16 Chairman Wilson calls a recess.
01:33:09 Chairman Wilson resumes hearing.

HEARING ON HB 291

Opening Statement by Sponsor:

01:33:48 Rep. Jon Sonju (R), HD 7, opened the hearing on HB 291,
Revise ins. law on glass & body repair to use average
prevailing market price.

Proponents' Testimony:

01:35:23 Bruce Halcrow, President, Montana Collision Repair
Specialists
01:37:22 Todd Litton, Self, Billings
01:38:27 Max Yates, Shop Owner, Butte, Montana, Montana
Collision Repair Specialists
01:39:15 Andrew Geiger, Montana Collision Repair Specialists

Opponents' Testimony:

01:39:50 Greg VanHorssen, State Farm Insurance Company
01:49:12 Dwight Easton, Farmers Insurance Company

EXHIBIT (buh19a04)

01:51:00 Mona Jamison, Allstate Insurance Company

Informational Testimony: None

Questions from Committee Members and Responses:

01:52:31 Rep. B. Beck
01:53:18 Rep. Sonju
01:54:27 Rep. B. Beck
01:55:30 Rep. Sonju
01:55:14 Rep. Vance
01:55:37 Mr. Geiger
01:56:05 Mr. Halcrow
01:56:56 Rep. Vance
01:56:57 Mr. Halcrow
01:57:36 Rep. Reinhart
01:57:49 Mr. Halcrow
01:58:44 Rep. Furey
01:59:05 Mr. Halcrow

Closing by Sponsor:

01:59:58 Rep. Sonju

02:01:33 Chairman Wilson calls a recess.
02:15:18 Chairman Wilson resumes hearing.

EXECUTIVE ACTION ON HB 234

02:16:06 **Motion:** Rep. Reinhart moved that **HB 234 DO PASS.**

02:16:17 Mr. Campbell

02:16:41 **Motion:** Rep. Reinhart moved that **234 BE AMENDED.**
EXHIBIT (buh19a05)

Discussion:

02:17:19 Mr. Campbell
02:17:48 Rep. Reinhart
02:18:17 Rep. Klock
02:18:44 Rep. Reinhart
02:19:12 Mr. Campbell
02:19:59 Rep. Reinhart
02:20:30 Rep. Arntzen
02:20:56 Mr. Campbell
02:21:43 Rep. Arntzen
02:22:09 Rep. Furey
02:24:10 Rep. Milburn
02:24:39 Shawna Helfert, Administrator, Liquor Control Division,
Department of Revenue

02:25:12 **Vote:** Motion failed 6-12 by roll call vote with Rep. Augare, Rep. Beck, Rep. Furey, Rep. Hunter, Rep. Noonan, and Rep. Reinhart voting aye.

Discussion:

02:26:37 Rep. Reinhart

02:27:24 **Vote:** Motion failed unanimously.

02:28:38 **Motion/Vote:** Rep. Reinhart moved that **HB 234 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

02:28:51 Rep. Arntzen

EXECUTIVE ACTION ON HB 114

02:30:50 **Motion:** Rep. Beck moved that **HB 114 DO PASS.**

02:31:09 Mr. Campbell

02:31:20 **Motion:** Rep. Augare moved that **HB 114 BE AMENDED. [EXHIBIT \(buh19a06\)](#)**

Discussion:

02:31:32 Mr. Campbell

02:32:45 Rep. B. Beck

02:33:06 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

Discussion:

02:33:24 Rep. Beck

02:34:00 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

02:34:22 Rep. Arntzen

EXECUTIVE ACTION ON HB 195

02:36:10 **Motion:** Rep. Hunter moved that **HB 195 DO PASS.**

02:36:39 **Motion:** Rep. Augare moved that **HB 195 BE AMENDED. [EXHIBIT \(buh19a07\)](#)**

Discussion:

02:36:54 Mr. Campbell

02:37:31 Ms. Helfert

02:38:18 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

02:38:40 **Motion:** Rep. Augare moved that **HB 195 DO PASS AS AMENDED.**

Discussion:

02:38:54 Rep. Reichner

02:39:38 Ms. Helfert

02:40:15 **Vote:** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

EXECUTIVE ACTION ON HB 148

02:40:46 **Motion:** Rep. Beck moved that **HB 148 DO PASS.**

Discussion:

02:41:03 Rep. Augare

02:41:29 **Vote:** Motion failed 6-12 by roll call vote with Rep. Beck, Rep. Klock, Rep. Reichner, Rep. Smith, Rep. Vance, and Rep. Welborn voting aye. Rep. Reinhart voted by proxy.

02:42:53 **Motion/Vote:** Rep. Milburn moved that **HB 148 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Reinhart voted by proxy.

Additional Documents

ADJOURNMENT

02:43:15 Adjournment: 11:13 A.M.

SANTELLA BAGLIVO, Secretary

sb

Additional Documents:

EXHIBIT ([buh19aad.pdf](#))